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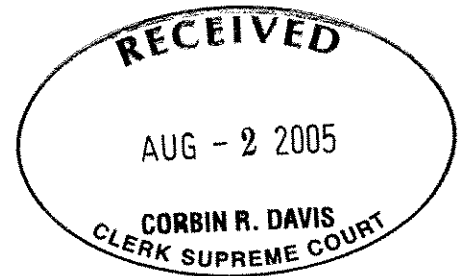
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State of Michigan
Judicial Tenure Commission

July 29, 2005

Mr. Corbin R. Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909

Re: MSC ADM 2004-42



Dear Mr. Davis,

On June 7, 2005, the Supreme Court issued ADM 2004-42, proposing amendments to MCR 8.103, 8.107, and 8.110. The Judicial Tenure Commission opposes the language as currently drafted.

In particular, the Commission notes that the proposed language calls for the State Court Administrator "[to f]ile a request for investigation with the Judicial Tenure Commission against each judge who consistently fails to comply with the caseload management *standards* articulated in Administrative Order No. 2003-7 or fails to accurately report all matters undecided in compliance with the reporting requirement articulated in MCR 8.107." (emphasis supplied.) The Commission notes that that Administrative Order 2003-7 articulates case management *guidelines*, not case management *standards*. As such, the Commission supports replacing that one word, "standards," as the proposed rule is currently drafted, with "guidelines," as set forth in Administrative Order 2003-7.

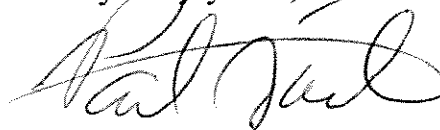
Furthermore, the Commission supports adding the following language "or is dilatory in the responsibility to manage that judge's individual caseload, or fails to accurately and timely report on cases pending on that judge's docket as required by these rules" at the end of MCR 8.103 (4).

Mr. Corbin Davis
July 29, 2005
Page 2

Without the assistance of those who have the most intimate knowledge of a persistently dilatory judge, the Commission does not have a good manner of finding *patterns* of delay. The only alternative is to open a widespread investigation into every judge against whom we get a grievance alleging delay in order to determine if this is a one-time event or if that judge truly is a persistent delayer. It is more efficient, and better for the majority of judges, if those intimately familiar with a particular judge's consistent delay issues identify that persistently dilatory judge.

The purpose of this proposal is to have those "in the know" – rather than the sporadic grievant – report persistently dilatory judges to the Commission. Such reporting does not necessarily result in automatic action, or even in the automatic opening of a file. Rather, the Commission's proposed language is designed to bring matters of persistent delay to the Commission's attention, and the Commission can decide what it can, should, or will not do from there.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul J. Fischer", written in a cursive style.

Paul J. Fischer
Executive Director and
General Counsel

PJF/wsb

cc: To All Commission Members